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February 3, 1972

William H. Uffelman, Esquire  
Public Building  
Wilmington, Delaware 19801

Re: Land Redevelopment

Dear Bill:

I never did receive the letter which you  
promised me by noon yesterday.

I discussed your proposal with Bill Ward  
even though I had nothing concrete in front of me to  
consider.

Our position in respect to the arbitration  
award is that Land Redevelopment and Ward are willing  
to release the County from any obligation in respect  
to events which have occurred in the past and to complete  
the final grading on the top of the landfill as recom-  
mended by the University of Delaware consultants. This  
work has been proceeding as rapidly as weather permits.

Land Redevelopment is not willing to make  
any blanket commitment for the future for we do not  
believe this is in any sense contemplated by the arbi-  
tration award or the contract. For example, suppose  
the stream becomes polluted as a result of the failure  
of the University of Delaware consultants to advise certain  
steps which should or could have been taken. Clearly this  
problem then becomes the problem of the County and not of

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Land Redevelopment. The testimony in the case clearly indicates that the County's consultants believe that the only steps required to minimize the leaching is the elimination of water from the top of the landfill. As I pointed out in my telephone conversation, even this advice was given only after the leaching occurred and not at the time the pond was placed on the top of the landfill even though the University of Delaware consultants clearly observed that this step was being taken with the consent of both the County and Land Redevelopment. Therefore, if at some future time the University of Delaware consultants advise that further steps should have been taken - which advice has never been given to anybody at this time - then the responsibility for taking any such steps is clearly that of the County which obtained all the permits, which hired the consultants, and which directed the manner in which the landfill operation should be conducted. Therefore, any suggested letter or commitment by Land Redevelopment which contemplates the full assumption of these risks by Land Redevelopment will not be acceptable. I feel reasonably confident that you can point to nothing in the record or in the legal interpretation of the document which would require any such commitment by Land Redevelopment.

Bill Ward will be out of town attending a convention of contractors until February 20. If this whole matter is not settled and payment made to Land Redevelopment pursuant to the arbitration award prior to March 1, we will proceed immediately to institute suit to enforce the award.

I will be back in the office on Monday, and if you wish to discuss this matter with me I will be glad to do so.

Very truly yours,

*William Poole*

William Poole

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cc: Hon. William J. Conner  
Mr. William C. Ward

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